

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

ALCATEL USA RESOURCES, INC.,

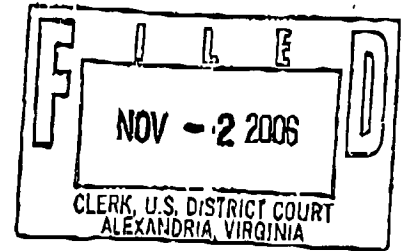
Plaintiff,

v.

JON W. DUDAS,  
Under Secretary of Commerce  
For Intellectual Property and  
Director of the United States  
Patent and Trademark Office,

Defendant.

1:06cv1089



ORDER

For the reasons stated in open court, it is hereby  
ORDERED that the Complaint filed by Alcatel USA Resources,  
Inc. in the above-captioned civil action be and is DISMISSED  
WITHOUT PREJUDICE, and Foundry Networks, Inc.'s Motion to  
Intervene as Defendant in the above-captioned civil action be and  
is moot and therefore DENIED WITHOUT PREJUDICE.

If the plaintiff refiles the claims involved in this  
complaint, the Clerk is directed to assign that civil action to  
the undersigned judge. The Clerk is also directed to forward  
copies of this Order to counsel of record.

Entered this 2<sup>nd</sup> day of November, 2006.

*Leenie M. Brinkema*  
Leenie M. Brinkema  
United States District Judge

Alexandria, Virginia